United Nations

Report of the Committee on Relations with the Host Country

General Assembly

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I. Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) on 15 December 1971. The Assembly, by its resolution 54/104 of 9 December 1999, decided to include in the provisional agenda of its fifty-fifth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 54/104.

2. The report is composed of four sections. The recommendations and conclusions of the Committee are contained in section IV.

II. Membership, composition, terms of reference and organization of the work of the Committee

3. In its resolution 53/104 of 8 December 1998 the General Assembly endorsed the recommendation of the Committee that its membership should be increased by four members, including one each from African, Asian, Latin American and Caribbean, and Eastern European States, to be chosen by the President of the General Assembly. By its decisions 53/322 of 18 February 1999 and 54/311 of 4 November 1999, the Assembly took note of the appointment by the President of the General Assembly, following consultations with the regional groups, of four new members of the Committee, namely, Cuba, Hungary, the Libyan Arab Jamahiriya and Malaysia. The Committee is therefore composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	United States of America
Hungary	

4. During the reporting period, Sotirios Zackheos (Cyprus) continued to serve as Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report.

6. During the period under review, the Committee held the following meetings: the 201st, on 9 March 2000; the 202nd, on 26 July 2000; the 203rd, on 28 August 2000; the 204th on 1 September 2000 and the 205th, on 1 November 2000.

7. The Bureau of the Committee consists of the Chairman, the three Vice-Chairmen, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meeting. The Bureau held two meetings: on 10 February 2000 and 24 July 2000. Among other issues, the Bureau considered the organizational issues relating to the work of the Committee.

8. The Working Group on the use of diplomatic motor vehicles, parking and related matters, established at the 181st meeting, held no meetings during the reporting period since there were no new developments in that area. The Committee did not appoint a new officer to assume the chairmanship of that body.

9. The Working Group on indebtedness, whose mandate is to consider all the aspects of the problem, also did not hold any meetings during the reporting period. The representative of Bulgaria was appointed as Chairman of the Working Group.

10. On 30 May 2000, under the auspices of the Committee and in close cooperation with the host country mission, the former President of the American Heart Association, Dr. Valentine Fuster addressed the United Nations diplomatic community and Secretariat staff on heart-related physical problems and stress. He also addressed the issue of cooperation with heart associations in developing countries.

III. Topics dealt with by the Committee

A. Housing for diplomatic personnel

11. At the 201st meeting, on 9 March 2000, the Chairman indicated that there might be a problem with respect to landlords requiring diplomats to execute waivers of diplomatic immunity. He suggested that in the event that there was a systematic problem, the matter should be referred to the Working Group on indebtedness. The representative of Iraq confirmed that obtaining housing presented real problems for members of the Iraqi Mission in the light of the fact that rental agencies refused to rent to diplomats of the Iraqi Mission even though Iraq had always paid and had never had any problems with landlords. The representative of Malaysia echoed the difficulties encountered by new diplomats in finding housing and in having standard diplomatic clauses inserted in leases. The representative of the Russian Federation indicated that those difficulties are linked to the debt problem. He referred to the 1995 recommendations of the Working Group on indebtedness and stated that the landlords' demand for waivers of privileges and immunities was contrary to international law and tantamount to blackmail. The Russian Federation would welcome state and federal assistance, particularly in respect of its difficulties in rebuilding the Riverdale complex. The representative of the United States agreed with the Chairman's suggestion that those issues be reviewed in the context of the Working Group on indebtedness. He urged members to put allegations of discrimination in writing to enable the United States Mission to investigate. He expressed concern about reports that there was a widespread practice of requiring waivers of immunity from diplomats and requested that such matters be reported to the Chairman. He stated that the United States Mission would work with landlords to resolve such issues. With respect to the debt problem, he confirmed that the efforts of the Committee had successfully led to a reduction in debt.

B. Host country travel regulations

12. At the 201st meeting, on 9 March 2000, the representative of the Libyan Arab Jamahiriya called upon the host country to facilitate travel. He said that despite the announcement that the United States would ease travel restrictions, this had not occurred. He protested the policy of issuing single-entry visas and urged the host country to consider multiple-entry visas. He also referred to the restrictions on movement in the United States, with the mission personnel being confined to the five boroughs. He alluded to the fact that the previous year the Libyan Mission could not participate in a retreat organized by the Permanent Representatives of African States as the event took place outside the five boroughs. He did indicate, however, that some progress had been achieved, pointing to the fact that the Head of the Mission had been able to travel to Washington, D.C. for a meeting of the International Fund for Agricultural Development.

13. The representative of Cuba indicated that his delegation was subject to similar restrictions. He considered that the restrictions on movement should be discussed by the Committee and also called for the issuance of multiple-entry visas. He stated that the host country's discriminatory policies adversely affected the personnel and work of the Cuban Mission; in particular, he referred to the failure to grant visas on time. The lack of multiple-entry visas had, for example, impeded the work of the Cuban representative on the Advisory Committee on Administrative and Budgetary Questions (A/AC.154/329). He also referred to several cases involving delays in the granting of visas. He expressed his Government's deep concern over the late issuance, without justification, of United States entry visas to Cuban representatives and experts at the United Nations in contravention of the agreed terms for the issuance of visas. He urged the host country to reconsider its position on the grant of multiple-entry visas and, in accordance with section 13 of the Headquarters Agreement, to grant visas in a timely manner.

14. The representative of the Russian Federation indicated that, in his view, limitations on the right to travel were a discriminatory practice inconsistent with article 26 of the Vienna Convention on Diplomatic Relations. While sovereign States had the right to impose such restrictions, they should not apply them in a discriminatory manner.

15. The representative of the host country noted that the restrictions on the Libyan Arab Jamahiriya were imposed in the proper exercise of national security. He had no knowledge of a decision to deny Libyan travel to a retreat organized by the Permanent Representatives

of the African Group. If the travel request had stated the nature of the event, the travel most definitely would have been approved. He also noted that the host country exerted its best efforts to process visa requests quickly, but the fact remained that 15 days was the required application period and that was not unreasonable; most visas were issued within a shorter period. In response to the comments by the representative of Cuba, the host country representative pointed out that the visa application for the member of the Advisory Committee on Administrative and Budgetary Questions had been left until the last moment. He suggested that such difficulties as those could be avoided by the timely application for visas. The host country representative indicated that multiple-entry visas were available to citizens of some countries, but not all, pursuant to internal regulations of the host Government. The host country's obligation was to issue visas to officials coming to the United Nations. The time or validity of visas issued was a decision for the host country to make as it saw fit. Finally, he clarified that his Government had agreed to review travel restrictions, not necessarily to ease them. He reiterated that no restrictions were imposed with respect to official United Nations-sponsored events. Unofficial or personal travel was reviewed on a case-by-case basis, and travel for medical or humanitarian purposes was likely to be approved.

16. At the 202nd meeting, on 26 July 2000,the representative of Iraq referred to General Assembly resolutions on travel restrictions and expressed the hope that the host country would abide by those resolutions and remove its restrictions, which violated the Headquarters Agreement and international law.

17. The representative of Cuba indicated that her country was compelled to denounce the imposition by the United States of travel restrictions on certain missions. She protested this limitation regime as selective, arbitrary and discriminatory. While the Cuban Mission was required to request in writing the host country's permission for movements of its representatives 25 kilometres beyond the Headquarters district, the United States Mission not only responded orally, but also rejected outright and without reason, legitimate requests by her Government. The host authorities' continuous allusion to considerations of national security was not, in Cuba's view, reflective of current realities, that is, in the aftermath of the cold war. The representative of Cuba further elaborated that the United States' policy in that regard interfered with the ability of ambassadors and representatives of sovereign Member States to conduct their work effectively. The United States maintained a narrow and overly strict interpretation of what constituted official business of the United Nations. Working with non-governmental organizations, the private sector and the academic community was part of the work of the United Nations in its efforts to improve dialogue and partnerships with civil society. Cuba called upon the host country to consider lifting restrictions on freedom of movement of its staff in accordance with General Assembly resolutions and conventional and customary international law.

18. The representative of the Russian Federation also referred to General Assembly resolutions calling upon the host country to reconsider its policy and practice of harbouring suspicions against the diplomatic corps. He expressed the view that the international community had grown tired of the issue, and more so the mission staff, who were affected by these restrictions. The United States' outdated stereotypes and claims of national security concerns were unconvincing and placed too much weight on potential threats. The United States discriminatory policy did not foster friendly relations and contradicted international law. He urged the host country to change its policy.

19. The representative of the United States restated his Government's position that the host country was not violating any of its obligations under the Headquarters Agreement or international law. There had been a distortion of General Assembly resolutions and the Secretary-General's recommendations which merely urged, rather than attempted to compel, the host country to reconsider its policy. In those resolutions, the General Assembly also took note of the position of the United States in that regard and had never stated that there was a violation of the Headquarters Agreement or international law. Concerns about national security should not be dismissed lightly because of the threat of international terrorism. The United States did not set up any impediments to the official business of the missions or their staff. The United States maintained that rejections were made only with respect to requests for personal travel.

20. In the discussion that followed, the representative of Cuba responded that sovereign Member States deserved proper treatment and respect for their rights under international law. The host country should heed

the appeals being made to it by the Secretary-General and the international community. The representative of Iraq further commented on the obligations of the United States under the Headquarters Agreement, General Assembly resolutions and international law and made reference to exaggerated national security concerns. The representative of the United States reiterated that the host country only had obligations to the permanent missions to the United Nations in respect of their official business with the United Nations.

C. Acceleration of immigration and customs procedures

21. At the 202nd meeting, on 26 July 2000, the representative of Iraq protested the late issuance of entry visas to Iraqi delegates and noted that the delay was particularly relevant with regard to special sessions and conferences. He recalled the facts in three cases where delays in the issuance of visas had obstructed the ability of the diplomats concerned to attend meetings in a timely manner, or at all. In one of the three cases, he acknowledged that the application had not been made three weeks in advance of the requested date of arrival. Finally, he referred to the inhumane treatment accorded to an Iraqi official, as set out in the Iraqi note verbale dated 11 June 2000 (A/AC.154/331). He indicated that the response of the United States contained in its note verbale of 28 June 2000 (A/AC.154/333) did not provide a satisfactory explanation for the inhumane treatment. The photograph and fingerprint requirements should be made known to persons applying for tourist visas in advance so that they could make an informed decision about whether or not to come to the United States.

22. In response, the representative of the host country confirmed the United States position as set out in the note verbale (A/AC.154/333). His country expressed surprise over allegations of inhumane treatment. It had a sovereign right to decide on the eligibility requirements and procedures for entry into its territory. The Iraqi official concerned had been offered a government visa, which she had declined, stating that she did not represent the Government, and had therefore been granted a tourist visa. Iraqis on such visas must be photographed and fingerprinted. Neither the procedure nor the area in which it was conducted was inhumane or reserved for criminals. If there were allegations of inhumanity, his Government would investigate based on substantiated allegations with proper facts. As for delays in processing visa requests, the representative confirmed that two officers in the mission were dedicated solely to meeting the host country's obligations to issue visas within 15 days of application. He indicated that a significant amount of time was spent in particular on Iraqi requests. The United States Mission was very careful to ensure that visas were issued on time, especially if the application had been submitted on time.

D. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

23. At the 202nd meeting, on 26 July 2000, the observer for Argentina, speaking on behalf of the Latin American and Caribbean Group, expressed indignation at the "lack of courtesy" and regard shown by the police officers of New York City. In addition to the parking ticket regime, which had been proved to be in violation of international legal provisions, the unacceptable treatment by the local authorities interfered with the work of diplomats, including Heads of State, and was a violation of international law. In the light of the upcoming Millennium Summit, he called upon the authorities of the host country to issue instructions to all appropriate levels to respect the members of the diplomatic community and to ensure compliance with such instructions.

24. The representative of Costa Rica indicated his desire to make a constructive effort on the eve of the Millennium Summit. He expressed his confidence in the readiness of the highest levels of the host country but doubted the actual behaviour at the lower levels. He urged those at the highest level to communicate their obligations to those at the lower levels. He emphasized that this was not a question of preferential treatment but one of concordance with international law. Proper treatment of diplomats was not a favour or a concession; it was an obligation. He surmised that lower-level officials might misunderstand the relationship between the host country and the diplomatic community, which would in turn engender hostility towards the diplomatic corps.

25. The representative of Cuba confirmed the timeliness of the debate, with a view to ensuring the smooth conduct of the upcoming General Assembly session and Millennium Summit. In particular, she indicated that excessive security measures, such as blocking First Avenue, adversely affected special events at United Nations Headquarters and visits by high-level officials and impeded the work of the United Nations and its Member States. Respect for security must be maintained in a manner which enabled the permanent missions to do their work.

26. The representative of the United States emphasized that the host country recognized its obligations and requested delegations to provide information on any incidents or problems with the local authorities. As all concerned acknowledged the need to preserve security, it would also be necessary to accept the measures needed while ensuring the safety and security of so many visiting dignitaries. The host country made every effort to maintain open and free access to the extent possible. He referred to the unprecedented situation expected with the presence of more than 150 Heads of State at the Millennium Summit. He was certain that no mission wanted to report to its capital that security would be reduced or jeopardized.

27. The representative of the New York City Commission for the United Nations, Consular Corps and Protocol expressed concern about any incidents of disrespect, in particular on the part of the New York Police Department. He encouraged the permanent missions to submit detailed written reports. Parking violations by diplomats, although relatively a small portion of all violations, must nonetheless be redressed or, if contested, adjudicated. He emphasized the obligation of diplomats to respect the laws of the receiving State, including its parking regulations.

28. In the discussion that followed, the representative of Costa Rica reiterated the position that respect for security should not interfere with the permanent missions' ability to do their work. Violations should be dealt with but proper respect and treatment must be accorded. The representative of Cuba also stated that the host country was not sufficiently receptive to constructive dialogue about its obligations. The host country was a rich and powerful nation whose capacity to fulfil its obligations could not be doubted. The representative of the New York City Commission agreed to Costa Rica's proposed proactive approach and confirmed that proper conduct and respect for diplomats was required. He added, however, that reciprocal respect for local authorities was also required.

29. The representative of Côte d'Ivoire expressed the view that, despite repeated discussions, the situation did not seem to be improving. Violations of parking spots reserved for diplomats were not punished or the prohibitions were not enforced. He called upon the host country to increase the public's awareness that diplomatic parking spots were reserved. Diplomats did respect local laws and regulations but were concerned that others did not respect their rights. The representative of Costa Rica confirmed the latter point and indicated that commercial and civilian vehicles regularly parked in diplomatic spots.

30. The Chairman noted the constructive attitude evidenced during the debate. He acknowledged the seriousness of the issues involved, particularly access by heads of delegation to United Nations Headquarters, and urged that those issues be resolved prior to the upcoming Millennium Summit. It would be necessary to balance security concerns with the need for unimpeded access.

31. At the 203rd meeting, on 28 August 2000, the Permanent Representative of Cuba regretfully observed that the denial of United States entry visas was a recurring problem for Cuba. He referred to several cases during the current year in which the United States had denied or delayed issuance of visas to Cuban delegates and experts travelling to official United Nations meetings (A/AC.154/329, A/AC.154/332 and A/AC.154/335). In each case, the Cuban authorities had followed proper procedures and met all conditions set by the host country. The Permanent Mission of Cuba had formally requested an explanation for the denials. The United States would either provide inadequate responses, such as an explanation of administrative error, or would not reply at all. For instance, the United States Mission had reviewed two cases (A/AC.154/329 and A/AC.154/330) and determined that owing to an inadvertent administrative error, the normal processing time for the visa applications of Ms. Goicochea and Mr. Fernandez had been exceeded. That constituted proof that the United States discriminatory and selective policy was a reality that was politically motivated. In that connection, the Permanent Representative of Cuba lamented the fact that the host country had denied the President of the

Cuban National Assembly a visa to the Conference of Presiding Officers of National Parliaments, to be convened by the Inter-Parliamentary Union (IPU). The denial of the visa had been communicated on 25 August 2000 and officially confirmed on 28 August 2000. The Permanent Representative protested the host country's conclusion that the IPU Conference was not a United Nations meeting and, as such, was not covered by the Headquarters Agreement. The IPU Conference had clearly been convened in cooperation with the United Nations in conjunction with the Millennium Assembly. In observation of its obligations under the Headquarters Agreement and Articles 1, 2, 4 and 104 of the Charter of the United Nations, the United States had a legal as well as a political obligation to recognize the close link between the IPU Conference and the Millennium Assembly. Moreover, the Inter-Parliamentary Union was itself an international organization of a universal character. All members had a right to attend and therefore visas must be ensured for all invitees. The Permanent Representative of Cuba indicated that the substantive problem had been compounded by the procedural problem. The great delay in communicating the denial was clearly meant to confront the IPU Conference with a fait accompli, for at that late date IPU was not in a position to relocate the meeting. He referred to General Assembly resolutions 50/15 of 15 November 1995, 51/7 of 25 October 1996, 52/7 of 28 October 1997, 53/13 of 28 October 1998, 54/12 of 27 October 1999 and 54/281 of 11 August 2000 concerning the Cooperation Agreement between the United Nations and IPU, holding the IPU Conference in conjunction with Millennium Assembly and the inclusion of a representative of the IPU Conference in the list of speakers for the Millennium Summit. Moreover, IPU had closely coordinated with the United Nations Secretariat and had received considerable logistical, moral and political support from the United Nations and the Secretary-General. The permanent representatives of Member States would accredit the participants and United Nations protocol officers would be escorting them. The Secretary-General of the United Nations would be making a statement at the inaugural meeting and hosting a reception, UNTV would be televising the event and the United Nations Safety and Security Service would be protecting the participants. Finally, the United Nations had permitted the use of the United Nations logo in connection with the Conference. It was clearly a meeting that was closely linked to the United Nations. Based on the foregoing, the Permanent Representative of Cuba confirmed that the United Nations played a legal, moral and political role in the holding of the IPU Conference. He characterized the denial of the visas as a serious error which jeopardized the success of the IPU Conference and, by implication, the Millennium Summit. He requested that the United States issue the visa to the President of the Cuban National Assembly, who was a former Minister for Foreign Affairs and Permanent Representative to the United Nations. Failure to do so would be a form of hostility to the IPU Conference, an insult to all parliamentarians and a sign of disrespect to the United Nations. The Permanent Representative of Cuba asked the Committee to deplore the denial of the visas to the President of the National Assembly and his delegation. He called upon the host country once again to grant the visas and requested the Chairman to continue consultations with a view to a positive resolution of the matter. The United States should consider whether depriving the Cuban speaker of his five-minute statement was worth the damage to its image and prestige as the seat of the United Nations. The Permanent Representative warned that many parliamentarians would raise the issue at the IPU Conference. He called for a constructive approach and retained the right to raise the matter once again in the context of the Sixth Committee of the General Assembly during the discussion on the report and draft resolution to be submitted by the Host Country Committee.

32. The representative of the Libyan Arab Jamahiriya objected to the discriminatory practices of the host country as a violation of the Headquarters Agreement and international law. Similar problems were experienced by Libyan delegates, including the head of the Libyan parliament, who would not be able to participate owing to the conditions imposed by the host country. Such conditions should not constitute impediments which prevented the participation of certain delegations. He referred to the absence of such problems in other host countries, in particular Switzerland and Austria, and called upon the host country to avoid discriminatory and selective policies and to review its decision so that all delegations could participate in the IPU Conference.

33. The representative of Iraq called upon the host country to apply the provisions of the Headquarters Agreement to the IPU Conference. He expressed the

view that the host country adhered very narrowly to the letter of that Agreement and adopted an overly strict interpretation. Given the fact that the work of the United Nations, intergovernmental organizations and non-governmental organizations had evolved significantly since 1947, it might be time to amend the Headquarters Agreement. In the light of the relevant General Assembly resolutions on strengthening cooperation with IPU and as the IPU Conference was being held at United Nations Headquarters in the context of the Millennium Assembly, there was clearly a close relationship between the Conference and the United Nations. Even if it were not a United Nations meeting, the host country had an obligation to treat all delegations without discrimination. The Iraqi representative criticized the denial of the visa as an intentional act against Cuba which generally undermines the IPU Conference. He urged the host country to grant the visas in time and to give the provisions of the Headquarters Agreement a broader interpretation.

34. The representative of Malaysia expressed his sympathy with Cuba's case. He emphasized that the IPU Conference was a significant event being held in furtherance of several important General Assembly resolutions. He called upon the host country to observe its international obligations. The denial of a visa to the head of the Cuban National Assembly, a former Minister for Foreign Affairs and Permanent Representative to the United Nations, would have negative ramifications for all future meetings requiring universal attendance. He appealed to the host country to reconsider its position and to conform to the letter and spirit of the Charter of the United Nations in furtherance of friendly relations, equality of States and human rights.

35. The representative of Honduras regretted the denial of a United States entry visa to the President of the Cuban National Assembly and expressed solidarity with Cuba. He called upon the host country to reconsider its refusal and to issue the visas. He also expressed interest in the opinion of the United Nations Legal Counsel on the status of the IPU Conference and the obligations of the host country regarding the issuance of visas to the participants.

36. The representative of France appealed to the host country as a matter of courtesy to issue the visas in question. He pointed to the relevant General Assembly resolutions and to the fact that the IPU Conference was being held at United Nations Headquarters in conjunction with the Millennium Assembly as proof of the objectively strong links between the Conference and the United Nations. He concluded that, as a matter of courtesy, the United States should issue at least some of the visas.

37. The representative of China stated that, as the host country, the United States had the responsibility and the obligation to provide access to all invitees. He regretted the fact that the Cuban parliamentarians were being deprived of the right to come to the meeting. He expressed the hope that the situation could be rectified as soon as possible.

38. The observer for Mexico indicated that all parliamentarians should be able to attend. He expressed the hope that the host country would respect the universality of the IPU Conference and reconsider its decision.

39. The representative of the Russian Federation referred to the fact that visas had been denied to both the Cuban delegates and some of the delegates from the Federal Republic of Yugoslavia. He described the position of the host country as regrettable. As the IPU Conference was being held in cooperation with the United Nations in accordance with General Assembly resolutions and as it was an important event in connection with the Millennium Assembly, it was not a private meeting. It was important to ensure maximum universal participation. He called upon the host country to reconsider its decision and to issue visas to all participants.

40. The representative of Costa Rica also recalled that, in accordance with a mandate from the Legislative Assembly of Costa Rica, her delegation had co-sponsored all relevant General Assembly resolutions on strengthening cooperation with IPU. She expressed the hope that the host country would resolve the situation in a positive manner.

41. The representative of Mali expressed great concern that the host country did not deem it necessary to grant visas to the Cuban parliamentarians. The Conference was clearly not a private meeting. The General Assembly had approved its convening at United Nations Headquarters in conjunction with the Millennium Assembly. He invited the host country to reconsider its position and grant the visas to the President of the Cuban Parliament and others. He expressed his country's solidarity with Cuba and others

facing such difficulties. He also indicated that his delegation would benefit from a legal opinion in that regard.

42. The representative of the United Kingdom stated that it did not appear that there had been any breach of any legal obligation by the host country as the IPU Conference was not covered by the Headquarters Agreement. The meeting was, however, objectively connected to the United Nations and he therefore hoped that the Cuban visas would be granted. This position did not apply to the visas requested by the Federal Republic of Yugoslavia.

43. The representative of Spain called upon the host country to reconsider its position as a matter of courtesy in order to ensure the universality of participation in the IPU Conference. There were clear links between the conference and the Millennium Assembly. The host country should resolve the matter in a positive manner.

44. The representative of Hungary referred to the Cooperation Agreement between the United Nations and IPU and stated that IPU was an independent organization. Therefore, he was not ready to conclude that the IPU Conference was covered by the Headquarters Agreement. Nonetheless, it was an important event closely connected to the Millennium Assembly. As there were different legal opinions expressed as to the status of the IPU Conference which could not be reconciled within the short period of time available, he posed the question whether the host country could exercise its discretionary powers to grant the visas.

45. The representative of the United States reaffirmed the host country's position that the Headquarters Agreement did not apply to the IPU Conference as it was not a United Nations meeting. As such, the host country had no obligation to issue visas. However, in response to the Secretary-General's appeal, the host country had decided to issue visas to two of the four parliamentarians of the Cuban National Assembly. He also confirmed that the host country had heard the appeals made at the meeting and would consider them, but that it had no legal obligation to issue the visas.

46. The representative of Cuba indicated that he had just received confirmation that two of the visas had been granted but that the visa for the President of the National Assembly, the primary invitee to the IPU Conference, had still been denied. Having decided which countries could participate, the United States was now deciding which persons could represent those countries. By granting two visas, the United States had acknowledged the connection between the IPU Conference and the United Nations. He alluded to the political and electoral motivations behind the United States policy. He called upon the host country to explain its reasons for denying the visa for the President of the National Assembly. He then proposed the following text of a decision for adoption by the Committee:

> "The Committee on Relations with the Host Country deplores the denial of the United States entry visa to the President of the National Assembly of the People's Power of the Republic of Cuba to attend the Conference of Presiding Officers of National Parliaments, which will be held from 30 August to 1 September 2000 at United Nations Headquarters, and urges the relevant authorities of the host country to grant the visa, considering the unquestionable link between the above-mentioned conference with the Millennium Assembly and the Millennium Summit, in order to contribute to the success of all of them in the spirit of the United Nations in the twenty-first century."

47. The representative of the United States recalled that it was the practice of the Committee to adopt decisions by consensus. The Committee provided Member States an opportunity to exchange views and resolve problems. It would not be in anyone's interest to deviate from this practice in order to deplore a particular situation. While no one had objected to the request for a legal opinion, the Committee would not be well served if it deviated from its established practice of adopting decisions by consensus.

48. The representative of France reminded the Committee that the host country had already issued two of the four visas requested and had promised to take into account the appeals made by France, the United Kingdom, Costa Rica, Spain and Hungary as a matter of courtesy. He expressed the hope that positive information on the visa for the President of the National Assembly would be forthcoming.

49. The Chairman decided that in the interest of preserving the practice of reaching decisions by consensus, the Committee should rely on its appeals to the host country and that he would maintain contacts

with the host country with a view to resolving the matter in a positive manner.

50. At the 204th meeting, on 1 September 2000, the Chairman recalled that the question of the legal status of the IPU Conference had generated considerable debate at the 203rd meeting of the Committee. He indicated that several members of the Committee had expressed interest in obtaining a legal opinion on the question and that, on behalf of the Committee, he had therefore requested the Assistant Secretary-General in charge of the Office of Legal Affairs to provide a legal opinion on the status of the IPU Conference and the obligations of the host country regarding the issuance of visas to the participants therein.

51. The Assistant Secretary-General in charge of the Office of Legal Affairs delivered the following legal opinion.

> "In his letter to me of 31 August 2000, the Chairman of the Committee on Relations with the Host Country requested, on behalf of the Committee, a legal opinion on the status of the Conference of Presiding Officers of National Parliaments and the obligations of the host country regarding the issuance of visas to the participants therein.
>
> "At the outset, it is important to point out that the Conference of Presiding Officers of National Parliaments is convened by the Inter-Parliamentary Union and not by the United Nations. In the view of the Legal Counsel, the Conference cannot, therefore, be considered a United Nations meeting and cannot, therefore, be deemed to constitute "official United Nations business" within the meaning of section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations ("the Headquarters Agreement"). In particular, section 11 (5) provides that [t]he federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of ... other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The denial of entry visas to invitees of the Conference of Presiding Officers of National Parliaments would not therefore constitute a violation of the host country's obligations under the Headquarters Agreement.
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> "That being said, as has been pointed out by many members and observers in the Committee, the Conference of Presiding Officers of National Parliaments is convened at United Nations Headquarters with the support of the Secretary-General. Moreover, in its resolution 53/13 of 28 October 1998, the General Assembly, in the context of its efforts to strengthen cooperation between the United Nations and the Inter-Parliamentary Union, welcome[d] the initiative of the Inter-Parliamentary Union of holding a conference of presiding officers of national parliaments at United Nations Headquarters, in conjunction with the Millennium Assembly in 2000. In its resolution 54/12 of 27 October 1999, the General Assembly further welcome[d] the information contained in the report of the Secretary-General regarding preparations made with his support by the Inter-Parliamentary Union to hold a conference of presiding officers of national parliaments in conjunction with the fifty-fifth session of the General Assembly, designated the Millennium Assembly of the United Nations, in the General Assembly hall from 30 August to 1 September 2000. Finally, in the annex to its resolution 54/281 of 11 August 2000, the General Assembly decided that a representative of the Conference of Presiding Officers of National Parliaments might be included in the list of speakers for the plenary meetings of the Summit.
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> "In view of General Assembly resolutions 53/13, 54/12 and 54/281, and in particular that the Conference of Presiding Officers of National Parliaments is being held in conjunction with the Millennium Assembly, the conference is clearly a *United Nations-related* meeting. Thus, while the host country could not be called upon to issue the visas concerned as a matter of legal obligation, the nexus between the Conference and the United Nations is such that the host country could be expected to issue the visas as a matter of courtesy. Based on the foregoing, the Secretary-General did indeed appeal to the competent authorities of the host country to reconsider their initial denial.
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> "In the light of the fact that the Headquarters Agreement does not specifically cover United Nations-related meetings and that

such meetings may become increasingly common as relations between the United Nations and other international and non-governmental actors expand, the Committee on Relations with the Host Country may wish to consider recommending to the General Assembly that it include an appropriate request to the host country in the context of its future resolutions welcoming meetings and conferences at United Nations Headquarters which are related to or are held in conjunction with the sessions and work of the General Assembly."

52. The representative of Iraq indicated his preliminary conclusion that the legal opinion was a valid and relevant one which raised important issues, not only as a result of the denial of United States entry visas to the parliamentarians from Cuba and the Federal Republic of Yugoslavia, but also because the host country's attitude had undermined the smooth conduct of the IPU Conference. He opined that the host country was using the denial of visas as a means to influence participation in and representation to the IPU Conference. Such an approach ran counter to the Headquarters Agreement and the Charter of the United Nations. As the General Assembly had approved the holding of the IPU Conference at United Nations Headquarters and had clearly created a close connection between the IPU Conference and the United Nations, there should be no room for exceptions. It was not proper for the United States to deny certain visas. As a legal matter, given the increasing number of Member States and the proliferation of activities involving the United Nations and the private sector, a strict interpretation of the Headquarters Agreement would impede the work of the Organization. If the United States was not prepared to meet its obligations, the United Nations should seek a more impartial venue. He suggested that the Committee consider a recommendation in the Sixth Committee condemning the host country's denial of visas to certain delegations in an important event being held at United Nations Headquarters.

53. The representative of the Libyan Arab Jamahiriya emphasized the need to recommend to the General Assembly appropriate language on the issuance of visas by the host country to future meetings. He appealed to the host country to take concrete steps and measures in accordance with the letter and spirit of the Headquarters Agreement and the Charter.

54. The representative of the Russian Federation expressed the view that the legal opinion objectively described the status of the IPU Conference and the obligations of the host country. It would be necessary to make recommendations to the General Assembly in order to avoid similar problems in the future. It would be awkward for the Assembly to decide to hold meetings only to discover that, as a result of host country restrictions, it could not hold such meetings.

55. The representative of China concurred that while the IPU Conference might not be a United Nations meeting, in view of the fact that it had been convened in accordance with General Assembly resolutions, with the support of the Secretary-General and in conjunction with the Millennium Assembly, the invitees should have received visas. The host country should have issued the visas to the Cuban and Yugoslav parliamentarians as a matter of courtesy.

56. The representative of France concurred with the legal opinion and indicated that it accorded with France's position on the question concerned. He recalled that France had itself made appeals to the host country and that the United States Mission had indicated that it would convey those appeals to Washington, D.C. He expressed the hope that the host country would provide positive information with respect to the visa for the President of the Cuban National Assembly.

57. The representative of Costa Rica reiterated her Government's position with respect to the relevant General Assembly resolutions on the IPU Conference, in particular General Assembly resolution 54/12. She welcomed the important legal opinion and thanked Ralph Zacklin, Assistant Secretary-General for Legal Affairs, for its presentation. She expressed the view that the legal opinion was a most valuable contribution to the consideration of this delicate question. She recalled that her colleague from Honduras had made the initial request for a legal opinion. She also concurred with the representative of France on the issuance by the host country of courtesy visas to the President and the parliamentarians of the Cuban Parliament.

58. The representative of Cuba stressed the importance of the legal opinion and the undeniable link between the IPU Conference and the United Nations pursuant to General Assembly resolutions. He referred to courtesy at the level of diplomatic relations and

concluded that courtesy was an obligation of the host country. Since 1947, the concepts of civil society, non-governmental organizations and international actors had expanded beyond expectation. The selectivity exhibited by the host country was neither sound nor legal. He indicated that the series of notes verbales submitted by the Permanent Mission of Cuba attested to the host country's politically motivated policies vis-à-vis Cuban delegates and persons of Cuban origin. He recalled that, at the 203rd meeting, the host country had indicated that visas would be granted to some members of the delegation. It had subsequently indicated that the President of the National Assembly would also receive a visa. The fact that no such visa has been issued confirmed that the host country had acted with malice aforethought.

59. While the representative of Cuba was recalling several cases of denial or delay of United States entry visas to Cuban delegates, the representative of the host country made a point of order calling upon the representative of Cuba to confine his statement to the subject matter of the legal opinion and to avoid a history of complaints. The representative of Cuba continued his statement only to be interrupted once again by another point of order by the representative of the United States of America asking the Chairman to intercede. The Chairman referred to the agenda item published in the *Journal*, that is, the consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the host country regarding the Headquarters of the United Nations, and ruled that members were entitled to raise any issues related to that item.

60. The representative of Cuba thereby continued his statement concerning infringements of the Headquarters Agreement and called upon the host country to take concrete steps to correct such infringements. He reserved the right to seek the opinion of the Legal Counsel on the cases he had mentioned. He concluded that the host country was duty bound to issue visas to all those who were invited to Headquarters or who had official business therewith. He referred to the Committee's practice of consensus and indicated that that practice could not be held hostage by the host country. As there was no veto in the Committee, the inflexibility of the host country should not compel the Committee to deviate from its practice.

61. The representative of the United States also expressed gratitude for the legal opinion and hoped that delegations, in particular Iraq and the Libyan Arab Jamahiriya, now understood that the host country had no obligations with respect to the IPU Conference under the Headquarters Agreement. The host country had obligations with respect to United Nations meetings, that is, meetings convened by the United Nations, not merely held at the United Nations Headquarters. On that basis, the Secretary-General had made an appeal as a matter of courtesy and the host country had responded positively, albeit partially, to that appeal. The Headquarters Agreement had stood the test of time. It had raised little difficulty and its provisions were precise and reasonable. One should not hastily assume the task of opening up the provisions of the Headquarters Agreement.

IV. Recommendations and conclusions

62. At its 205th meeting, on 1 November 2000, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and representatives of the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) The Committee notes the efforts made by the host country mission concerning the problem of parking of diplomatic vehicles and requests the host

country to continue to take steps, in conjunction with the City of New York, to resolve this problem in order to maintain appropriate conditions for the functioning of the delegations and missions and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law, to bring to the attention of New York City officials reports from the diplomatic community about cases of discriminatory treatment against diplomats in order to ameliorate the situation and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues. The Committee urges the host country to continue to bring to the attention of the appropriate city authorities the proposals made in its Working Group;

(e) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(f) The Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement, including to attend official United Nations meetings;

(g) The Committee notes the opinion of the Legal Counsel of 1 September 2000 concerning the issuance of visas to participants in United Nations-related meetings. In this connection, the Committee recommends that the host country takes this opinion into consideration in the future;

(h) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee continues to urge the host country to remove the remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(i) The Committee expresses its appreciation for the efforts of its Working Group concerning financial indebtedness, noting that this issue has also arisen in other host cities, and therefore requires a system-wide approach. In that regard, the Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(j) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/329	Letter dated 15 February 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/330	Note verbale dated 9 March 2000 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations
A/AC.154/331	Letter dated 11 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General
A/AC.154/332	Note verbale dated 8 June 2000 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations
A/AC.154/333	Letter dated 28 June 2000 from the Deputy Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/334	Letter dated 14 July 2000 from the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/335	Letter dated 25 August 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/336	Letter dated 10 October 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/337	Letter dated 10 October 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/338	Letter dated 30 October 2000 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

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